

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAY A. GREEK,

Plaintiff,

v.

COMMISSIONER OF THE INTERNAL
REVENUE,

Defendant.

No. 2:20-cv-00278-KJM-KJN PS

ORDER

(ECF Nos. 23, 25)

Currently pending before the court is defendant's motion to dismiss on the grounds that plaintiff's complaint fails to state any claim for relief.¹ (ECF No. 22.) That motion was noticed for a hearing to take place on October 15, 2020. (Id.) On October 6, 2020, the undersigned vacated the hearing, took the motion under submission, and ordered plaintiff to file his opposition or statement of non-opposition by October 19, 2020. (ECF No. 23.) But plaintiff had in fact already filed his opposition on October 5, 2020, although it was not entered on the docket until October 6. (ECF No. 24.) On October 13, 2020, plaintiff informed the court of his timely opposition and requested reconsideration of the submission order. (ECF No. 25.)

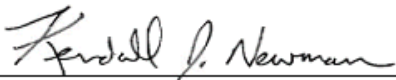
Because oral argument will not aid the resolution of this matter, the court declines to

¹ This action proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 reschedule the motion for hearing. See E.D. Cal. L.R. 230(g). But the court has received
2 plaintiff's October 5, 2020 opposition (ECF No. 24) and will consider it when deciding the
3 motion on the papers. Defendant is reminded that any reply to plaintiff's opposition is due on or
4 before October 26, 2020.

5 IT IS SO ORDERED

6 Dated: October 20, 2020

7 
8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

10 gree.0278
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28